

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE) Chapter 7
)
MICHAEL S. HELMSTETTER,) Case No. 19 – 28687
)
Debtor.) Hon. Jacqueline P. Cox
)
) Hearing Date and Time:
) December 4, 2019 at 9:30 am

NOTICE OF MOTION

TO: Attached Service List

PLEASE TAKE NOTICE THAT on December 4, 2019, at 10:00 a.m., I shall appear before the Honorable Judge Jacqueline P. Cox, or any other judge sitting in her stead, in Room 680, 219 South Dearborn Street, Chicago, Illinois, and request a hearing on the Chapter 7 Trustee's Application to Employ Attorneys, a copy of which is attached hereto and thereby served upon you.

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, hereby state that pursuant to Section II, B, 4 of the Administrative Procedures for the Case Management/Electronic Case Filing System, I caused a copy of the foregoing NOTICE OF MOTION and MOTION to be served on all persons set forth on the attached Service List identified as Registrants through the Court's Electronic Notice for Registrants and, as to all other persons on the attached Service List by mailing a copy of same in an envelope properly addressed and with postage fully prepaid and by depositing same in the U.S. Mail, Chicago, Illinois on the 27th day of November, 2019.

s/ Gregory K. Stern
Gregory K. Stern

Gregory K. Stern (Atty. ID #6183380)
Monica C. O'Brien (Atty. ID # 6216626)
Dennis E. Quaid (Atty. ID #02267012)
Rachel S. Sandler (Atty. ID #6310248)
53 West Jackson Boulevard
Suite 1442
Chicago, Illinois 60604
(312) 427-1558

SERVICE LIST

Registrants Served Through The Court's Electronic Notice For Registrants

Patrick S. Layng
Office of the U.S. Trustee, Region 11
219 South Dearborn Street, Room 873
Chicago, Illinois 60604

David R. Herzog
Herzog & Schwartz PC
77 West Washington Street
Suite 1400
Chicago, Illinois 60602

J Kevin Benjamin
Benjamin & Brand
1016 West Jackson Boulevard
Chicago, Illinois 60607-2914

Debra Devassy Babu
Askounis & Darcy, PC
444 North Michigan Avenue
Suite 3270
Chicago, Illinois 60611

Jamie L Burns
Levenfeld Pearlstein, LLC
2 North LaSalle Street
Suite 1300
Chicago, Illinois 60602

Whitman H. Brisky
Mauck & Baker LLC
1 North LaSalle Street
Suite 600
Chicago, Illinois 60602

Parties Served Via U.S. Mail

Michael S. Helmstetter
PO Box 11703
Chicago, Illinois 60611-0703

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APPLICATION TO EMPLOY ATTORNEYS

Now comes David R. Herzog, Chapter 7 Trustee (the “Trustee”), and in support of his Application to Employ Attorneys, Gregory K. Stern, Monica C. O’Brien, Dennis E. Quaid and Rachel S. Sandler (the “Attorneys”), respectfully states as follows:

1. On October 9, 2019, Michael S. Helmstetter (the “Debtor”) caused a Voluntary Petition for relief under Chapter 7 of the United States Bankruptcy Code to be filed; and David R. Herzog (the “Trustee”) was appointed as trustee in this case.

2. The Debtor’s meeting of creditors, pursuant to 11 U.S.C. § 341, was initially scheduled and held on November 15, 2019, and was continued to January 6, 2020.

3. The Debtor’s Chapter 7 Schedules reflect extensive assets and business interests, including but not limited to bank accounts, equity interests in automobile dealerships, reinsurance companies and other entities, tax refunds and causes of action having a scheduled value of \$8,414,579.67.

4. The Debtor’s Chapter 7 Schedules reflect priority unsecured debt of \$888,338.81 and non-priority unsecured debt of \$5,607,106.87.

5. The Trustee believes that there are assets, including but not limited to equity interests, tax refunds and avoidance actions, to be investigated and administered.

6. Pursuant to 11 U.S.C. § 327(a) the Trustee desires to employ Gregory K. Stern, Dennis E. Quaid, Monica C. O'Brien and Rachel S. Sandler because they have experience in matters of this nature and are well qualified to represent the Trustee in this case.

7. The professional services to be rendered by the Attorneys include, but are not limited to:

- (a) Assisting the Trustee in liquidating any real and/or personal property including but not limited to equity interests;
- (b) Providing the Trustee legal advice with respect to his investigation and liquidation of property of the estate;
- (c) Reviewing and examining the Debtor's assets, books and records; proofs of claim, and any other documentation related to assets or property of this estate;
- (d) Analyzing case for filing of complaints to recover assets on behalf of the estate with regards to any avoidance actions, fraudulent conveyances, or turnover of estate assets;
- (e) Negotiating with creditors and other parties in interest, attending court hearings and meeting with attorney and other parties in interest;
- (f) Preparation of applications to employ attorneys, accountants or other professional persons, including asset recovery specialists, objections to claims, and any other necessary pleadings required for the proper administration of this estate;
- (g) Representation of Trustee at court hearings; and,
- (h) Performing all other legal services that may be necessary or required for the representation of the Chapter 7 Trustee and for the proper administration of this estate.

8. The Attorneys have agreed to be compensated for services rendered in accordance with their hourly rates as in effect from time to time, with all compensation and reimbursement of

costs being subject to further approval of this Court. At present, the hourly rates are as follows: \$500.00 for services rendered by Gregory K. Stern and Dennis E. Quaid, \$475.00 for services rendered by Monica C. O'Brien, and \$350.00 for services rendered by Rachel S. Sandler.

9. The Attorneys have no connection with the Debtor, his creditors, or any other party in interest herein, their respective attorneys and accountants, the United States Trustee or any other person employed in the office of the United States Trustee, and the Attorneys represent no interest adverse to the Debtor or to the estate in the matters upon which they are to be engaged for the Trustee. The affidavits of Gregory K. Stern, Dennis E. Quaid, Monica C. O'Brien and Rachel S. Sandler attesting to the foregoing are attached hereto and are made a part hereof.

10. The employment of Attorneys is in the best interest of this estate.

WHEREFORE, the Trustee prays for an Order, pursuant to 11 U.S.C. § 327(a), authorizing the employment of Gregory K. Stern, Dennis E. Quaid, Monica C. O'Brien, and Rachel S. Sandler as attorneys for the Trustee herein, effective November 27, 2019, to perform all necessary legal services on behalf of the Trustee during this Chapter 7 proceeding; and, for such other further relief as this Court deems just.

/s/ Gregory K. Stern
Attorney For Chapter 7 Trustee

Gregory K. Stern (Atty. ID #6183380)
Monica C. O'Brien (Atty. ID # 6216626)
Dennis E. Quaid (Atty. ID #02267012)
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